
REMARKS

In an Office Action dated October 19, 2004, claims 1-11 in the subject patent application were rejected. Claims 12-14 in the application were withdrawn from consideration. By amendment above, claim 1 has been rewritten and claim 6 has been cancelled. Support for the amendments in claim 1 can be found on pages 3 and 7 of the specification.

Reconsideration of this application and allowance of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner issued a restriction requirement under 35 U.S.C. §121 requiring an election of one of the inventions. According to the Examiner claims 1-11 (group I) are drawn to an alloy, claim 12 (group II) is drawn to an electric resistance wire, and claims 13-14 are drawn to a method of producing a resistance wire. Applicants submit that the electric resistance wire claimed in claim 12 and its method of production in claims 13-14 and the alloy in claims 1-11 are all describing alloy compositions of superior properties. The alloy composition in claims 1-11 is a composition for electric resistance wires having superior properties, compared to the prior art, both in its increased electric resistance properties and its workability to produce the alloy for the electrical resistance wire. Thus, in contrast to the Examiner's assertion, applicants submit that examination of the claims does not require new or additional searching. However, applicants elect claims 1-11 (group I) drawn to the alloy composition as these have been examined by the Examiner. Further, applicants request the Examiner to rejoin claims 12-14 subsequent to an allowance of claims 1-11.

Claims 1-5 and 7-9 were rejected under 35 U.S.C. §103 as being obvious over U.S. Patent No. 6,296,953 to Linden et al, JP 05098401, JP 06330246, JP 09263906, JP 49115927, JP

04083820, JP 04350148, JP 02118053, CN 1122841, SE 513989 or SE 508595. The Examiner asserted that these references, as well as the present application, disclose Fe-Cr-Al alloy compositions. The Examiner previously acknowledged that the cited references do not disclose the claimed Be element of the alloy compositions. The Examiner further contends that the presently claimed invention reads on a Be content of zero and thus would be obvious in view of the cited prior art that does not disclose any Be.

Applicants disagree with the Examiner's position that the present claims as amended do not require the presence of Be. However, applicants have amended claim 1 to recite more clearly that Be is a required component. In this respect, applicants submit that claim 1, as amended, positively recites that the Fe-Cr-Al-Zr-Ti-Be alloy contains Be by incorporating the limitations of claim 6 into this claim, limiting the Be content between about 0.001 wt% and 0.1 wt%. Further, the Be element results in improved physical properties for the alloy in terms of tensile strength, elongation, and electrical resistance, as shown in table 1 of the specification. Thus, Be is a required element of the alloy claimed in this application. The prior art references do not teach or suggest that above discussed physical properties would be improved by adding Be in the amount of 0.001wt% to 0.1 wt% to a Fe-Cr-Al alloy. Therefore, the invention as claimed is non-obvious over the prior art references cited, because none of the cited prior art references either alone or in combination teach or suggest the alloy compositions as claimed. Accordingly, withdrawal of the rejection is respectfully requested.

Claim 11 was rejected under 35 U.S.C. §103 as being obvious over JP02118053, CN1122841, SE513989, or JP49115927. The Examiner asserts that because the claim reads on a composition with no Be, the presently claimed electric resistance properties and the composition

overlaps with the Fe-Cr-Al compositions disclosed by the references. According to the Examiner the electric resistance properties of the present claim 11 therefore must be inherently present in the alloy compositions of the cited references.

As discussed above applicants disagree with the Examiner that the presently claimed alloy composition contains no Be. In particular, the alloy composition contains Be as required by the claims, as amended. The specification further describes the increased electric resistance as a result of Be being present in the Fe-Cr-Al alloy composition. Moreover, the superior electrical resistance of the presently claimed alloy as compared to prior art alloys is shown in table 1 of the specification. Therefore, the composition of the presently claimed invention contains Be as opposed to the compositions of the cited references and the increased electric resistance property as in claim 11 is not inherently obtained by these references. This argument should overcome this rejection of claim 11. Accordingly, withdrawal of the rejection is respectfully requested.

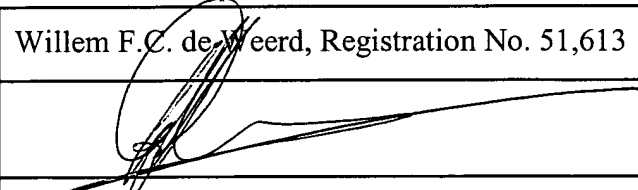
Claims 1-6 and 10 were rejected under 35 U.S.C. §103 as being obvious over GB 1299390 (GB '390). According to the Examiner the reference discloses a Fe alloy composition as claimed including Be. Further, the Examiner asserts that the reference discloses that the total amount of Be and Ti in the composition is from 0 to 4 wt%, and tables 2 and 3 of the reference disclose tensile strengths that anticipate the claimed tensile strength. Furthermore, according to the Examiner the claimed amounts of Al, Zr, and/or rare earth metals include zero indicating to the Examiner that these elements are optional elements.

The GB '390 reference discloses Fe alloy compositions which do not contain Al. Furthermore, applicants submit that the inclusion of Al is not taught or suggested by the GB '390 reference. In fact, the one Fe alloy composition in the GB '390 reference which includes Al is a

comparative example of alleged inferior properties. Thus, the reference teaches away from using Al in a Fe alloy. In contrast, the present invention is a Fe-Cr-Al-Zr-Ti-Be alloy which contains aluminum. Applicants disagree with the Examiner's position that the present claims do not require the presence of Al and Zr. However, applicants have amended claim 1 to recite more clearly that Al is a required component. In this respect, applicants submit that claim 1, as amended, includes the limitation that the alloy contains about 3-15 wt% Al. Thus, the element Al is clearly required to be present in the alloy of the claims. For these reasons applicants submit that the alloy composition of the GB '390 reference is very different from the claimed alloy composition. Moreover, the claimed invention is not taught or suggested by this reference which teaches away from including Al in the disclosed alloy. Therefore, claims 1-6, and 10 are non-obvious over GB '390. Accordingly, withdrawal of the rejection is respectfully requested.

Applicants submit that the present application is now in condition for allowance.

Reconsideration and favorable action are earnestly requested.

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